

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-30032

Steve Sacks, et al

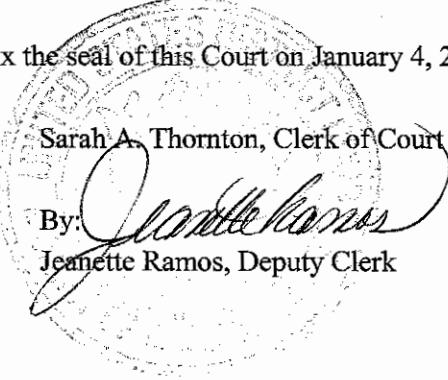
v.

Steven Sprague, et al

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I & II are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 12/23/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 4, 2006.

Sarah A. Thornton, Clerk of Court
By: 
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 1/4/06.

D. Barchand
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:04-cv-30032-MAP P 1:43

Sachs v. Sprague et al
Assigned to: Judge Michael A Ponson
Demand: \$75,000
Cause: 28:1332 Diversity - Stockholders Suits

U.S. DISTRICT COURT
DISTRICT OF MASS
Date Filed: 02/17/2004
Jury Demand: Plaintiff
Nature of Suit: 160 Stockholders Suits
Jurisdiction: Diversity

Consolidated Plaintiff

Jeff Swanson

represented by **Alfred G. Yates, Jr.**
Law Office of Alfred G. Yates, Jr.
519 Allegheny Building
429 Forbes Avenue
Pittsburgh, PA 15219
412-391-5164
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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LEAD ATTORNEY
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Consolidated Plaintiff

Charlene Harvey

represented by **Alfred G. Yates, Jr.**
(See above for address)
LEAD ATTORNEY
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Jeffrey P. Fink
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Keith A. Minoff
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William B. Federman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Steve Sachs

represented by **Alfred G. Yates, Jr.**
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Caroline A. Schnurer
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Jeffrey P. Fink
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William B. Federman
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V.

Defendant

Steven Sprague

represented by **Eunice E. Lee**
Bingham McCutchen LLP
150 Federal Street
Boston, MA 02110
617-951-8000
Fax: 617-951-8736
LEAD ATTORNEY
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Gerard T. Feeney

represented by **Eunice E. Lee**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael D. Blanchard
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert A. Buhlman

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John E. Bagalay, Jr.

represented by **Eunice E. Lee**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael D. Blanchard
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert A. Buhlman
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Nolan Bushnell

represented by **Eunice E. Lee**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael D. Blanchard
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert A. Buhlman
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

George Gilder

represented by **Eunice E. Lee**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael D. Blanchard
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert A. Buhlman
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED**Defendant****John E. McConaughy, Jr.**

represented by **Eunice E. Lee**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael D. Blanchard
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert A. Buhlman
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Defendant**Wave Systems Corporation**
Nominal Defendant

represented by **Alfred G. Yates, Jr.**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eunice E. Lee
 (See above for address)
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Michael D. Blanchard
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Robert A. Buhlman
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party**Jeff Swanson**

TERMINATED: 11/10/2004

| Date Filed | # | Docket Text |
|------------|---|--|
| 02/17/2004 | ① | COMPLAINT against John E. Bagalay JR.,, Nolan Bushnell, Gerard T. Feeney, George Guilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation by Steve Sachs filed. Filing fee of \$150.00 paid. Receipt number 305515. (Attachments: # (1)). CF, LR 4.1, notice of |

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| | | lawsuit and waiver of service of summons to Counsel.(Finn, Mary) Additional attachment(s) added on 3/11/2004 (Stuckenbruck, John). (Entered: 02/18/2004) |
| 02/19/2004 | ② | Plts' motion for leave for Jeffrey P. Fink to Appear Pro Hace Vice. filed. Filing fee of \$50.00 paid. Receipt number 305518. (Finn, Mary) (Entered: 02/19/2004) |
| 02/25/2004 | ③ | Judge Michael A Ponsor : ELECTRONIC ORDER entered granting 2 Motion for Leave for Jeffrey P. Fink to Appear Pro Hac Vice. Added Jeffrey P. Fink for Steve Sachs; cc/cl. (Finn, Mary) (Entered: 02/25/2004) |
| 03/08/2004 | ④ | NOTICE of Appearance by Jeffrey P. Fink on behalf of Steve Sachs (Lindsay, Maurice) (Entered: 03/08/2004) |
| 03/12/2004 | ⑤ | NOTICE of Appearance by Eunice E. Lee, Robert A. Buhlman on behalf of John E. Bagalay JR., Nolan Bushnell, Gerard T. Feeney, George Guilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation (Lindsay, Maurice) (Entered: 03/17/2004) |
| 03/18/2004 | ⑥ | P's motion to consolidate case with C.A. 04-30038-KPN and C.A.04-30044-MAP and MOTION and appoint co-lead and liaison counsel by Steve Sachs filed.(Finn, Mary) (Entered: 03/18/2004) |
| 03/18/2004 | ⑦ | P's MEMORANDUM in Support re 5 MOTION to Consolidate Cases - C.A. 04-30038-KPN and C.A. 04-30044-MAP and MOTION and appoint co-lead and liaison counsel filed by Steve Sachs. (Finn, Mary) (Entered: 03/18/2004) |
| 03/18/2004 | ⑧ | P's AFFIDAVIT of Jeffrey P. Fink in Support re 5 MOTION to Consolidate Cases MOTION and appoint co-lead and liaison counsel filed. (Exhibits A thru G NOT SCANNED but attached to this affidavit). (Attachments: # 1)(Finn, Mary) (Entered: 03/18/2004) |
| 03/31/2004 | ⑨ | RESPONSE to Motion re 5 MOTION to Consolidate Cases MOTION and appoint co-lead and liaison counsel filed by John E. Bagalay JR., Nolan Bushnell, Gerard T. Feeney, George Guilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation. (Lee, Eunice) (Entered: 03/31/2004) |
| 04/01/2004 | ⑩ | Opposition re 5 MOTION to Consolidate Cases MOTION and appoint co-lead and liaison counsel <i>and cross-motion to consolidate</i> filed by Jeff Swanson. (Kovacs, Alan) (Entered: 04/01/2004) |
| 04/01/2004 | ⑪ | WAIVER OF SERVICE Returned Executed John E. Bagalay JR., waiver sent on 3/18/2004. Answer due 5/17/2004; Nolan Bushnell waiver sent on 3/18/2004. Answer due 5/17/2004. Gerard T. Feeney waiver sent on 3/18/2004. Answer due 5/17/2004; George Guilder waiver sent on 3/18/2004. Answer due 5/17/2004; John E. McConaughy Jr. waiver sent on 3/18/2004. Answer due 5/17/2004; Steven Sprague waiver sent on 3/18/2004 Answer due 5/17/2004; Wave Systems Corporation waiver sent on 3/18/2004. Answer due 5/17/2004. (Finn, Mary) Modified on |

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| | | 4/5/2004 (Finn, Mary). (Entered: 04/05/2004) |
| 04/15/2004 | ⑩ 11 | Pltf's motion for leave to file reply to Pltf. Swanson's opp. to Sach's & Harvey's motion to consolidate cases and appoint co-lead and liaison counsel filed.(Finn, Mary) (Entered: 04/15/2004) |
| 04/30/2004 | ⑩ 12 | SUR-REPLY to Motion re <u>5</u> MOTION to Consolidate Cases MOTION and appoint co-lead and liaison counsel filed by Jeff Swanson. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u>)(Kovacs, Alan) (Entered: 04/30/2004) |
| 07/22/2004 | ⑩ 13 | PONSOR, D.J.: NOTICE of Hearing on all pending motions and STATUS CONFERENCE - <u>11</u> MOTION for Leave to File, <u>5</u> MOTION to Consolidate Cases MOTION and appoint co-lead and liaison counsel. Motion Hearing and Status Conference set for 9/1/2004 at 02:00 PM in Courtroom 1 before Honorable Michael A Ponsor; cc/cl. (Finn, Mary) (Entered: 07/22/2004) |
| 08/31/2004 | ⑩ 14 | NOTICE by John E. Bagalay JR., Nolan Bushnell, Gerard T. Feeney, George Guilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation <i>Notice of Appearance by Michael D. Blanchard</i> (Lee, Eunice) (Entered: 08/31/2004) |
| 09/01/2004 | ⑩ | Remark - Counsel E. Lee notified by the Court stating document <u>14</u> was incorrectly filed and should have been filed by Attorney Michael D. Blanchard. Atty. Blanchard to file his own appearance. (Finn, Mary) (Entered: 09/01/2004) |
| 09/01/2004 | ⑩ 15 | NOTICE of Appearance by Michael D. Blanchard on behalf of John E. Bagalay JR., Nolan Bushnell, Gerard T. Feeney, George Guilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation filed. (Finn, Mary) (Entered: 09/02/2004) |
| 09/03/2004 | ⑩ 16 | Judge Michael A Ponsor : MEMORANDUM AND ORDER entered. The motion to consolidate <u>5</u> is ALLOWED. The cases of Sachs v. Sprague, C.A. 04-30032-MAP, Swanson v. Sprague, C.A. 04-30038-MAP, and Harvey v. Sprague, C.A. 04-30044-MAP, are CONSOLIDATED. All further filings are to be made in C.A. 04-30032-MAP. The motion to appoint co-lead liaison counsel - <u>5</u> is ALLOWED. Co-lead Cl. will be William B. Federman, Federman & Sherwood, Ste. 2720, 120 N. Robinson Avenue, Oklahoma City, OK, Jeffrey P. Fink, Robbins, Umeda & Fink, Ste.2360, 1010 Second Avenue, San Diego CA 92101; and Alfred G. Yates, Jr., 519 Allegheny Building, 429 Forbes Avenue, Pittsburgh PA 15219. Local liaison Cl. will be Keith A. Minoff, Robinson, Donovan, P.C., 1500 Main Street, Ste. 1600, Springfield MA 01115. The motion for leave to file - <u>11</u> is ALLOWED. Counsel using the Electronic Case Files system should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. By 10/21/2004 Pltf. will file an amended complaint and a motion to amend the caption appropriately. By 12/15/2004, Defts. to file their motion to dismiss. Pltf's opp. due 1/30/2005. Any reply to the opp. due 2/22/2005. Argument on the motion |

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| | | to dismiss set for 3/10/2005 at 2:00 P.M.; cc/cl. (Finn, Mary) (Entered: 09/07/2004) |
| 10/04/2004 | ⑯17 | Assented to MOTION to Amend <i>Caption</i> by John E. Bagalay JR., Nolan Bushnell, Gerard T. Feeney, George Guilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation.(Blanchard, Michael) (Entered: 10/04/2004) |
| 10/05/2004 | ⑯18 | Judge Michael A Ponsor : Endorsed ORDER entered denying <u>17</u> Motion to Amend caption. The caption of the case must list the names of the parties to avoid confusion. A renewed motion to amend will be filed on or before October 22, 2004. So ordered. (Stuckenbruck, John) (Entered: 10/05/2004) |
| 10/05/2004 | ⑯19 | CORPORATE DISCLOSURE STATEMENT by Wave Systems Corporation. (Blanchard, Michael) (Entered: 10/05/2004) |
| 10/05/2004 | ⑯20 | MOTION for Protective Order <i>To Stay Discovery</i> by John E. Bagalay JR., Nolan Bushnell, Gerard T. Feeney, George Guilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation. (Blanchard, Michael) (Entered: 10/05/2004) |
| 10/05/2004 | ⑯21 | MEMORANDUM in Support re <u>19</u> MOTION for Protective Order <i>To Stay Discovery</i> filed by John E. Bagalay JR., Nolan Bushnell, Gerard T. Feeney, George Guilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation. (Blanchard, Michael) (Entered: 10/05/2004) |
| 10/21/2004 | ⑯22 | RESPONSE to Motion re <u>19</u> MOTION for Protective Order <i>To Stay Discovery</i> filed by Steve Sachs. (Attachments: # 1 Exhibit A #(2) Exhibit B)(Stuckenbruck, John) (Entered: 10/22/2004) |
| 10/21/2004 | ⑯23 | MOTION(assented to) for Extension of Time to 10/28/04 to File Amended Complaint and Motion to Amend Caption by Steve Sachs. (Stuckenbruck, John) (Entered: 10/22/2004) |
| 10/22/2004 | ⑯24 | Assented to MOTION for Leave to File <i>to File a Reply to Plaintiffs' Opposition to Motion for a Protective Order on or Before October 29, 2004</i> by John E. Bagalay JR., Nolan Bushnell, Gerard T. Feeney, George Guilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation.(Blanchard, Michael) (Entered: 10/22/2004) |
| 10/22/2004 | ⑯25 | Judge Michael A Ponsor : ENDORSED ORDER entered granting Pltf's <u>22</u> Motion for ext. time 10/28/2004 to file an amended complaint and to amend the caption of the case, to 12/22/2004 for the Dfts' to file their motion to dismiss, to 2/06/2005 for the Pltf's resp. to the motion to dismiss, to 3/01/2005 for the Dfts' to file their reply to the Pltf's opp. The motion to dismiss hearing will remain the same - 3/10/2005; cc/cl. (Finn, Mary) Modified on 10/25/2004 (Finn, Mary). (Entered: 10/25/2004) |
| 10/25/2004 | ⑯26 | Judge Michael A Ponsor : ENDORSED ORDER entered granting Dft's 23 Motion for Leave to File to file reply to Ptf's opposition (Lindsay, Maurice) (Entered: 10/26/2004) |

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| 10/28/2004 | ②4 | Verified Consolidated AMENDED COMPLAINT and Demand for Jury Trial against John E. Bagalay JR.,, Nolan Bushnell, Gerard T. Feeney, George Guilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation , filed by Charlene Harvey, Steve Sachs, Jeff Swanson. (Attachments: # <u>1</u> Continuation of Amended Complaint# <u>2</u> Continuation of Amended Complaint (3 of 3 Parts))(Lindsay, Maurice) (Entered: 10/28/2004) |
| 10/28/2004 | ②5 | Ptf's MOTION to Amend Caption by Charlene Harvey, Steve Sachs, and Jeff Swanson.(Lindsay, Maurice) (Entered: 10/29/2004) |
| 10/29/2004 | ②6 | REPLY to Response to Motion re <u>19</u> MOTION for Protective Order <i>To Stay Discovery</i> filed by John E. Bagalay JR.,, Nolan Bushnell, Gerard T. Feeney, George Guilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation. (Blanchard, Michael) (Entered: 10/29/2004) |
| 11/05/2004 | ② | Judge Michael A Ponsor : Endorsed ORDER entered granting <u>25</u> Motion to Amend Caption. (Stuckenbruck, John) (Entered: 11/05/2004) |
| 12/06/2004 | ②7 | NOTICE of Change of Address by Jeffrey P. Fink for the Pltfs. filed. (Finn, Mary) (Entered: 12/06/2004) |
| 12/22/2004 | ②8 | Assented to MOTION for Leave to File Excess Pages by John E. Bagalay Jr., Nolan Bushnell, Gerard T. Feeney, George Gilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation. (Blanchard, Michael) (Entered: 12/22/2004) |
| 12/22/2004 | ②9 | MOTION to Dismiss <i>the Consolidated Amended Complaint</i> by John E. Bagalay Jr., Nolan Bushnell, Gerard T. Feeney, George Gilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation. (Blanchard, Michael) (Entered: 12/22/2004) |
| 12/22/2004 | ③0 | MEMORANDUM in Support re <u>29</u> MOTION to Dismiss <i>the Consolidated Amended Complaint</i> filed by John E. Bagalay Jr., Nolan Bushnell, Gerard T. Feeney, George Gilder, John E. McConaughy Jr., Steven Sprague, Wave Systems Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Appendix Compendium of Unreported Authorities) (Blanchard, Michael) (Entered: 12/22/2004) |
| 12/23/2004 | ② | Set/Reset Deadlines as to <u>29</u> MOTION to Dismiss <i>the Consolidated Amended Complaint</i> . Pltf's Responses due by 2/6/2005. Defts' Replies due by 3/1/2005. Motion Hearing set for 3/10/2005 at 02:00 PM in Courtroom 1 before Judge Michael A Ponsor. (Finn, Mary) (Entered: 12/23/2004) |
| 02/03/2005 | ③1 | Assented to MOTION for Leave to File Excess Pages <i>brief in excess of twenty pages</i> by Jeff Swanson, Charlene Harvey, Steve Sachs.(Minoff, Keith) (Entered: 02/03/2005) |
| 02/03/2005 | ③2 | Assented to MOTION for Extension of Time to February 8, 2005 to File Response/Reply as to <u>29</u> MOTION to Dismiss <i>the Consolidated Amended Complaint</i> by Jeff Swanson, Charlene Harvey, Steve Sachs. (Minoff, Keith) (Entered: 02/03/2005) |

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| 02/04/2005 | ③ | Judge Michael A Ponsor : ENDORSED ORDER entered granting 31 Motion for Leave to File brief in Excess of twenty Pages and up to thirty (30) pages; cc/cl. (Finn, Mary) (Entered: 02/04/2005) |
| 02/04/2005 | ③ | Judge Michael A Ponsor : ENDORSED ORDER entered granting the Pltf's 32 Motion for Extension of Time to File Response/Reply re 29 MOTION to Dismiss <i>the Consolidated Amended Complaint</i> Pltf's Responses due by 2/8/2005. Defts' Replies due by 3/3/2005; cc/cl. (Finn, Mary) (Entered: 02/04/2005) |
| 02/08/2005 | ③33 | RESPONSE to Motion re 29 MOTION to Dismiss <i>the Consolidated Amended Complaint and objection</i> filed by Jeff Swanson, Charlene Harvey, Steve Sachs. (Attachments: # 1 Plaintiff's Response and Objection Part 2)(Minoff, Keith) (Entered: 02/08/2005) |
| 02/28/2005 | ③34 | Ptf's MOTION for Admission of Caronline A. Schnurer to Appear Pro Hac Vice, Filing fee \$ 50.00, receipt number 305868. by Steve Sachs. (Lindsay, Maurice) (Entered: 02/28/2005) |
| 02/28/2005 | ③35 | AFFIDAVIT of Caronline A. Schnurer in Support of Ptf's 34 MOTION for Admission of Caronline A. Schnurer to Appear Pro Hac Vice Filing fee \$ 50.00, receipt number 305868. filed by Steve Sachs. (Lindsay, Maurice) (Entered: 02/28/2005) |
| 02/28/2005 | ③ | Judge Michael A Ponsor : ENDORSED ORDER entered granting Ptf's 34 Motion for admission of Caroline A. Schnurer to Appear Pro Hac Vice. Added Caroline A. Schnurer for Steve Sachs. cc/cl (Lindsay, Maurice) (Entered: 02/28/2005) |
| 03/03/2005 | ③36 | REPLY to Response to Motion re 29 MOTION to Dismiss <i>the Consolidated Amended Complaint</i> filed by Nolan Bushnell, George Gilder, John E. McConaughy, Jr, Wave Systems Corporation, Steven Sprague, Gerard T. Feeney, John E. Bagalay, Jr. (Attachments: # 1 Exhibit A# 2 Exhibit B)(Blanchard, Michael) (Entered: 03/03/2005) |
| 03/10/2005 | ③37 | MOTION for Atty. Alfred G. Yates, Jr. to Appear Pro Hac Vice by Steve Sachs.(Lindsay, Maurice) (Entered: 03/10/2005) |
| 03/10/2005 | ③38 | AFFIDAVIT of Alfred G. Yates in Support of Ptf's 37 MOTION for Atty. Alfred G. Yates, Jr. to Appear Pro Hac Vice, filed by Steve Sachs. (Lindsay, Maurice) (Entered: 03/10/2005) |
| 03/10/2005 | ③ | Judge Michael A Ponsor : ENDORSED ORDER entered granting 37 Motion for Alfred G. Yates, Jr. to Appear Pro Hac Vice for the Pltf.; cc/cl. (Finn, Mary) (Entered: 03/11/2005) |
| 03/11/2005 | ③ | Filing fee in the amount of \$50.00 paid. Receipt number 305879. Regarding Pltf's 37 motion for Alfred G. Yates, Jr. to appear pro hac vice. (Finn, Mary) (Entered: 03/11/2005) |
| 03/11/2005 | ③ | Judge Michael A Ponsor : ENDORSED ORDER entered granting Dft's 28 (Assented to) Motion for Leave to File Excess Pages. cc/cl (Lindsay, Maurice) (Entered: 03/11/2005) |

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| 03/25/2005 | ③ 39 | TRANSCRIPT of Proceedings held on March 10, 2005 before Judge Michael A. Ponsor. Court Reporter: Alice Moran. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Lindsay, Maurice) (Entered: 03/25/2005) |
| 08/30/2005 | ④ 40 | Assented to MOTION For Leave To Cite Supplemental Authority by Nolan Bushnell, George Gilder, Wave Systems Corporation, Steven Sprague, Gerard T. Feeney, John E. Bagalay, Jr.(Blanchard, Michael) (Entered: 08/30/2005) |
| 08/31/2005 | ⑤ | Judge Michael A Ponsor : ELECTRONIC ENDORSED ORDER entered granting the Defts' ④0 Assented to Motion for leave to cite suppl. authority; cc/cl. (Finn, Mary) (Entered: 08/31/2005) |
| 08/31/2005 | ④ 41 | Defts' SUPPL. AUTHORITY re: C.A. 04-12524-JTL 2005 - WL, Caviness v. Evans by Nolan Bushnell, George Gilder, John E. McConaughy, Jr, Wave Systems Corporation, Steven Sprague, Gerard T. Feeney, John E. Bagalay, Jr. in further support of their ②9 MOTION to Dismiss <i>the Consolidated Amended Complaint</i> filed. (Finn, Mary) (Entered: 08/31/2005) |
| 09/12/2005 | ④ 42 | RESPONSE to Motion re ④0 Assented to MOTION For Leave To Cite Supplemental Authority filed by Jeff Swanson, Charlene Harvey, Steve Sachs. (Minoff, Keith) (Entered: 09/12/2005) |
| 09/26/2005 | ④ 43 | Judge Michael A Ponsor : ORDER entered granting Dft's ②9 Motion to Dismiss. See the attached order for complete details. cc/cl (Lindsay, Maurice) (Entered: 09/26/2005) |
| 09/30/2005 | ⑥ | Judge Michael A Ponsor : Electronic ORDER entered finding as moot ⑯ Motion for Protective Order (French, Elizabeth) (Entered: 10/03/2005) |
| 11/22/2005 | ④ 44 | Judge Michael A Ponsor : ORDER entered. MEMORANDUM AND ORDER Regarding Defendants' motion to dismiss. For the reasons stated in this memo, this court allowed the motion to dismiss (Dkt No. 29) of nominal Dft's Wave Systems Corp. and individual Dft's on 9/26/05. The clerk is ordered to enter judgment for Dft's on all counts. See the attached memorandum for complete details. cc/cl (Lindsay, Maurice) (Entered: 11/22/2005) |
| 11/22/2005 | ④ 45 | Judge Michael A Ponsor : ORDER entered. JUDGMENT in favor of Defendant's Steven Sprague, et al., against Plaintiff's Seve Sachs, et al., cc/cl(Lindsay, Maurice) (Entered: 11/22/2005) |
| 11/22/2005 | ⑦ | Civil Case Terminated. (Lindsay, Maurice) (Entered: 11/22/2005) |
| 12/23/2005 | ④ 46 | Pltf's NOTICE OF APPEAL as to ④5 Judgment by Steve Sachs filed. Filing fee of \$\$255.00 paid. Receipt number 306137. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 1/12/2006. |

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| | | (Finn, Mary) (Entered: 12/23/2005) |
| 12/23/2005 | <input checked="" type="checkbox"/> | Original file and docket sheet forwarded to the Appeals Clerk. (Finn, Mary) (Entered: 12/23/2005) |